

September 2, 2004 Commission Meeting Summary

ITEM

1. **Public Comment.** *Caren Daniels-Meade of the Secretary of State's office announced that committee telephone numbers had been added to the Cal-ACCESS display.*

CONSENT ITEMS

ENFORCEMENT

Campaign Reporting Violations

2. **In the Matter of International Brotherhood of Electrical Workers Committee on Political Education, Sponsored by International Brotherhood of Electrical Workers, and Edwin D. Hill, FPPC No. 02/165.** Staff: Commission Counsel Elizabeth K. Conti and Accounting Specialist Luz Bonetti. Respondent International Brotherhood of Electrical Workers Committee on Political Education, Sponsored by International Brotherhood of Electrical Workers is a state general purpose committee. Respondent Edwin D. Hill served as the treasurer of Respondent Committee. Respondents failed to file a semi-annual campaign statement, in violation of Government Code section 84200(a) (one count); file pre-election campaign statements, in violation of Government Code section 84200.7 (three counts); file pre-election campaign statements, in violation of Government Code section 84200.8 (one count); and disclose 26 late contributions in properly filed late contribution reports, in violation of Government Code section 84203(a) (26 counts). ***Approved; \$18,475 fine.***
3. **In the Matter of International Brotherhood of Painters and Allied Trades Political Action Together Legislative and Educational Committee—Contribution Account and James Williams, FPPC No. 04/115.** Staff: Commission Counsel Julia Bilaver and Investigator II Charlie Bilyeu. Respondent International Brotherhood of Painters and Allied Trades Political Action Together Legislative and Educational Committee—Contribution Account (“Committee”) is a state general purpose recipient committee based in Washington, D.C., and is sponsored by the International Brotherhood of Painters and Allied Trades, a labor union. Respondent James Williams serves as treasurer of Respondent Committee. Respondents failed to disclose 11 late contributions in properly filed late contributions reports, in violation of Government Code section 84203(a) (11 counts). ***Approved; \$7,000 fine.***
4. **In the Matter of Yellowstone Development, LLC, FPPC No. 04/322.** Staff: Commission Counsel Elizabeth K. Conti and Investigator III Jon Wroten. Respondent Yellowstone Development, LLC is a land development and real estate sales corporation domiciled in Big

Sky, Montana. Respondent failed to timely disclose a late contribution in a properly filed late contribution report, in violation of Government Code section 84203(a) (1 count); disclose a late contribution in a properly filed electronic late contribution report, in violation of Government Code section 84605(a); timely file a semi-annual campaign statement, in violation of Government Code section 84200(b) (1 count); and file an electronic semi-annual campaign statement, in violation of Government Code section 84605(a) (1 count).

Approved; \$24,000 fine.

5. **In the Matter of Tom Gilmore & Associates, LLC, FPPC No. 02/1049.** Staff: Commission Counsel Elizabeth K. Conti and Investigator III Jon Wroten. Respondent Tom Gilmore & Associates, LLC is a California limited liability real estate development corporation headquartered in Los Angeles. Respondent failed to disclose two late contributions in properly filed late contribution reports, in violation of Government Code section 84203(a) (2 counts); and file a semi-annual campaign statement, in violation of Government Code section 84200(b) (1 count). *Approved; \$7,000 fine.*
6. **In the Matter of No on Prop A and Rodney Scott, FPPC No. 01/562.** Staff: Commission Counsel Julia Bilaver and Investigator II Charlie Bilyeu. Respondent No on Prop A was a local ballot measure committee primarily formed to oppose Proposition A in the March 2001 election held in the City of West Hollywood. Respondent Rodney Scott served as the treasurer of Respondent Committee. Respondents failed to timely file a semi-annual campaign statement, in violation of Government Code section 84200(a) (1 count). *Approved; \$1,000 fine.*

Statement of Economic Interests – Default Decision and Order

7. **In the Matter of Ronald Bullard, FPPC No. 02/597.** Staff: Commission Counsel Jeffery A. Sly and SEI Coordinator Mary Ann Kvasager. Respondent Ronald Bullard, a member of the Dental Examiners Board for the California Department of Consumer Affairs, failed to timely file a 2001 annual and 2002 annual statement of economic interests, in violation of Government Code section 87300 (2 counts). *Approved; \$4,000 fine.*
8. **In the Matter of Jim Rosecrans, FPPC No. 02/803.** Staff: Commission Counsel Jeffery A. Sly and SEI Coordinator Mary Ann Kvasager. Respondent Jim Rosecrans, a member of the Butte Valley Resource Conservation District for the County of Siskiyou, failed to timely file a 2001 annual and 2002 annual statement of economic interests, in violation of Government Code section 87300 (2 counts). *Approved; \$3,000 fine.*
9. **In the Matter of Naresh Kamboj, FPPC No. 02/547.** Staff: Commission Counsel Jeffery A. Sly and SEI Coordinator Mary Ann Kvasager. Respondent Naresh Kamboj, a member of the California Commission on Aging, failed to timely file a 2001 annual and leaving office statement of economic interests, in violation of Government Code section 87300 (2 counts). *Approved; \$3,500 fine.*
10. **In the Matter of Kurt Scholberg, FPPC No. 02/739.** Staff: Commission Counsel Jeffery A. Sly and SEI Coordinator Mary Ann Kvasager. Respondent Kurt Scholberg, a member of

the Planning Commission for the County of Sierra, failed to timely file a 2001 annual statement of economic interests, in violation of Government Code section 87203 (1 count). *Approved; \$1,500 fine.*

- 11. In the Matter of Rafael Torres, FPPC No. 02/455.** Staff: Commission Counsel Jeffery A. Sly and SEI Coordinator Mary Ann Kvasager. Respondent Rafael Torres, a member of the Planning Commission for the City of Guadalupe, failed to timely file an assuming office, 2001 annual, and 2002 annual statement of economic interests, in violation of Government Code sections 87202 and 87203 (3 counts). *Approved; \$5,000 fine.*

Statement of Economic Interests – Streamlined Program

- 12. Failure to Timely File Statements of Economic Interests.** Staff: Commission Counsel Jeffery A. Sly, Investigator III Dan Schek, and SEI Coordinator Mary Ann Kvasager. The following persons have entered into stipulations for failing to timely file statements of economic interests, in violation of Government Code sections 87202, 87203, 87204 or 87300.

- a. **In the Matter of Karl Thurmond, FPPC No. 03/861.** Karl Thurmond, a member of the Pest control Board for the Department of Consumer Affairs, failed to timely file a 2002 annual statement of economic interests, in violation of Government Code section 87300 (1 count). *Approved; \$100 fine.*
- b. **In the Matter of Jonathan Zasloff, FPPC No. 03/688.** Jonathon Zasloff, a member of the Santa Monica Mountains Conservancy, failed to timely file a 2002 annual statement of economic interests, in violation of Government Code section 87300 (1 count). *Approved; \$100 fine.*
- c. **In the Matter of Raffi Kradjian, FPPC No. 03/076.** Raffi Kradjian, a member of the California State Assistance Fund for Enterprise, Business and Industrial Development, failed to timely file an assuming office statement of economic interests, in violation of Government Code section 87300 (1 count). *Approved; \$100 fine.*
- d. **In the Matter of Miguel Garcia, FPPC No. 03/441.** Miguel Garcia, a member of the Planning Commission for the City of Montebello, failed to timely file a 2002 annual statement of economic interests, in violation of Government Code section 87203 (1 count). *Approved; \$100 fine.*
- e. **In the Matter of Thomas Waterson, FPPC No. 03/715.** Thomas Waterson, a member of the Mountain View Fire Protection District for the County of Stanislaus, failed to timely file a 2002 annual statement of economic interests, in violation of Government Code section 87300 (1 count). *Approved; \$100 fine.*
- f. **In the Matter of Sandy Simon-Wargo, FPPC No. 03/356.** Sandy Simon-Wargo, a member of the Parks and Community Services Commission for the City of American Canyon, failed to timely file an assuming office statement of economic interests, in violation of Government Code section 87300 (1 count). *Approved; \$100 fine.*

- g. **In the Matter of Cedrice Miller, FPPC No. 03/727.** Cedrice Miller, a Claims Examiner for Keenan & Associates, consultants for multi-jurisdictional insurance agencies, failed to timely file a 2002 annual statement of economic interests, in violation of Government Code section 87300 (1 count). *Approved; \$100 fine.*
- h. **In the Matter of Athena Aaron, FPPC No. 03/728.** Athena Aaron, an Insurance Broker for Keenan & Associates, consultants for multi-jurisdictional insurance agencies, failed to timely file a 2002 annual statement of economic interests, in violation of Government Code section 87300 (1 count). *Approved; \$100 fine.*
- i. **In the Matter of James Porras, FPPC No. 03/720.** James Porras, a member of the Planning Commission for the County of Riverside, failed to timely file a 2002 annual statement of economic interests, in violation of Government Code section 87203 (1 count). *Approved; \$100 fine.*
- j. **In the Matter of Anthony Daysog, FPPC No. 03/738.** Anthony Daysog, a member of the City Council for the City of Alameda, failed to timely file a 2002 annual statement of economic interests, in violation of Government Code section 87203 (1 count). *Approved; \$100 fine.*
- k. **In the Matter of Bill Warmerdam, FPPC No. 03/529.** Bill Warmerdam, a member of the California Apple Commission, failed to timely file a 2002 annual statement of economic interests, in violation of Government Code section 87300 (1 count). *Approved; \$100 fine.*

Late Contribution – Streamlined Program

13. Failure to Timely File Late Contribution Reports – Proactive Program. Staff: Acting Chief Investigator Sue Straine, Investigator III Jon Wroten, and Political Reform Consultant Mary Ann Kvasager. The following persons and entities have entered into stipulations for failure to file late contribution reports in 2003, in violation of Government Code Section 84203:

- a. **In the Matter of Suzanne Saperstein, FPPC No. 2004-142.** Suzanne Saperstein of Houston, Texas failed to timely disclose a late contribution totaling \$10,000.00. (1 count). *Approved; \$100 fine.*

ITEMS REMOVED FROM CONSENT

Informational Item – Civil Settlement

14. Fair Political Practices Commission v. Committee for Clean Safe Creeks, Susan A. Pino, and Rick L. Callender; FPPC No. 2000/793. Staff: Senior Commission Counsel Deanne Canar and Investigator III Dan Schek. Defendant Committee for Clean Safe Creeks was a primarily formed committee supporting Measure B on the Santa Clara County ballot in the November 7, 2000 general election. Defendants Susan A. Pino and Rick L. Callender

were co-treasurers of Defendant Committee. The defendants failed to timely file a pre-election campaign statement, disclosing \$170,995 in contributions and \$65,668 in expenditures, in violation of Government Code section 84200.5, subdivision (b); timely disclose \$20,000 in late contributions in properly filed late contribution reports, in violation of Government Code section 84203(a); report sub-vendor information for a payment of \$49,795 on a pre-election campaign statement filed after the election, in violation of Government Code sections 84211(j)(6) and 84303; and file an amended statement of organization within ten days of a change in the primary activity of Defendant Committee, in violation of Government Code section 84103(a). The parties stipulated to a final judgment in the case by the Santa Clara County Superior Court. As provided in the stipulated judgment, the defendants are going to pay a civil penalty of \$24,000. *No action taken.*

LEGAL MATTERS

REGULATIONS

Adoption

15. Annual Technical Clean-up Packet: Repeal of 2 Cal. Code Regs. section 18361; Renumbering and amendment of 2 Cal. Code Regs. section 18361.5 to Section 18361.9; Adoption of 2 Cal. Code Regs. sections 18361.1, 18361.2, 18361.3, 18361.4, 18361.5, 18361.6, 18361.7 and 18361.8; Amendment of 2 Cal. Code Regs. sections 18406, 18450.4, 18702.2, 18702.5, 18740, 18747, 18754 and 18951. Staff: Legal Analyst Kelly L. Winsor and Assistant General Counsel John W. Wallace. Staff presents for adoption conforming, technical amendments to several regulations. *Adopted.*

ACTION ITEMS

16. September 2004 Work Plan Revisions. Staff: Assistant General Counsel John W. Wallace and General Counsel Luisa Menchaca. Revisions to the Commission's regulatory and special projects calendar, if any, are discussed. The Commission reviews the work plan on a quarterly basis. Also, the memo discusses the proposed regulation 18901 project. *Approved with staff's recommended revision.*

17. Legislative Report. Staff: Executive Director Mark Krausse. *No action taken. Mr. Krausse updated the Commission on the status of bills that would amend the Political Reform Act.*

DISCUSSION ITEMS

18. Executive Director's Report. Staff: Executive Director Mark Krausse. *No action taken.*

19. Litigation Report. Staff: General Counsel Luisa Menchaca and Senior Commission Counsel Larry Woodlock. *No action taken.*